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## **MINUTES OF COUNCIL REGULAR MEETING – JUNE 3, 2008**

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JUNE 3, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt  
Russ Brooks  
Carolynn Burt  
Joel Coleman  
Corey Rushton  
Steve Vincent

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

ABSENT: Mike Winder

STAFF PRESENT:

Paul Isaac, Assistant City Manager  
Richard Catten, City Attorney  
Jim Welch, Finance Director  
Kevin Astill, Parks and Recreation Director  
John Evans, Fire Chief  
Buzz Nielsen, Police Chief  
Russell Willardson, Public Works Director  
Joseph Moore, CED Director  
Kelly Davis, Acting Community Preservation Director  
Owen Jackson, Administration  
Jake Arslanian, Public Works Department

14073 **OPENING CEREMONY**

The Opening Ceremony was conducted by Joel Coleman who led the Pledge of Allegiance to the Flag.

14074 **APPROVAL OF MINUTES OF THE REGULAR MEETING HELD MAY 13, 2008**

The Council read and considered the Minutes of the Regular Meeting held May 13, 2008. There were no changes, corrections or deletions.

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After discussion, Councilmember Coleman moved to approve the Minutes of the Regular Meeting held May 13, 2008, as written. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14075

### **JARED FAWSON, MATHESON JR. HIGH SCHOOL TEACHER, RECOGNITION OF STUDENTS FOR ACADEMICS AND SERVICE**

City Manager, Wayne Pyle, introduced Jared Fawson, teacher at Matheson Jr. High School. Mr. Fawson was invited to address the City Council to recognize at-risk students at his school for academic accomplishments and community service.

Jared Fawson addressed the City Council and discussed activities at Matheson Jr. High School. Mr. Fawson advised that the 9<sup>th</sup> grade students participated in activities including a food drive, random acts of kindness, and service provided to several individuals in need. He indicated he had acted as a facilitator but the ideas and funding for the projects had been handled by the students. He also discussed students who struggled academically in the past, but who had improved greatly this school year.

Mr. Fawson recognized the following students for their academic success in raising their grade point averages from 0.0-1.0 to 3.0 and maintained for the entire school year: Tyrell Bishop, Guadalupe Gonzales, Curtis Hogue, Zack Mason, Jonathon Salas and Kaylena Yap. He presented a certificate of achievement to each student.

Mr. Fawson recognized students who had made a difference at the school by performing random acts of kindness the entire year for the betterment of the school. They helped other students, faculty, administration, counselors, custodians, cafeteria and other staff. Mr. Fawson stated the students did all of this without receiving any recognition and donated upwards of \$400 in their efforts.

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He presented certificates of recognition to Denis Afatchao, Aspen Anderson, Werner Castillo, Lisa Christensen, Sarah Day, Rebecca Deherrera, Jordan Hall, Alix Hardle, Amber Jenkins, Juan Mercado, Nefi Navarro-Perez, Sarah Spencer, Brittany Steffensen, Austin Summers, Virginia Warnken and Jacob Wayne.

The City Council congratulated the students and praised their efforts regarding their academic and community service activities. Mayor Nordfelt also recognized and expressed appreciation to the parents of students who were also in attendance at the meeting.

Wendy Christensen addressed the City Council. Ms. Christensen stated the parents desired to express appreciation to Mr. Fawson for the outstanding job he had done with the students this year.

Upon discussion, Councilmember Coleman stated he had experienced the pleasure of teaching at Cyprus High for the past two years. He noted there was a quality and goodness of people living in the western part of West Valley City and the Magna area. Councilmember Brooks thanked the parents of the students and stated there was hope for the future because of these young people. Councilmember Burt expressed thanks and admiration for Mr. Fawson and for actions the students had taken that would be passed on to their children. Councilmember Rushton stated he had discussed with the Mayor regarding engaging in a service project and the students had inspired him to bring it up again in the future.

14076

### **COMMENT PERIOD**

Upon inquiry by Mayor Nordfelt, the following individuals addressed the City Council during the Comment Period:

Mike Markham, 3008 Alice Circle, addressed the City Council. Mr. Markham expressed displeasure regarding the City's image and cleanup efforts. He stated it was his understanding the ordinance enforcement officers did not only have to act on a complaint, but they could be proactive in enforcement efforts. He cited an example of a home directly south of the parking lot of City Hall and discussed the violations. He stated if there was a desire for people to come to West Valley City then there was a need to work on the properties in the vicinity of the Valley Fair Mall and City Hall. He also stated there were many properties on which cars for sale were being parked. He indicated he had expressed multiple complaints; however, the problems persisted. He stated police and ordinance enforcement officers needed to be more aware and proactive regarding violations. He also

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stated citizens should not have to call and tell officers to do their jobs, especially when violations were on main roads such as 4100 South.

Josh Scherman, 3819 South 4800 West, addressed the City Council. Mr. Scherman stated he had discussed skateparks during the comment period at a previous Council meeting. He also stated skateboarding gave him an opportunity to do something outside of school. He indicated skateboarding was part of the youth culture and it was beneficial for youth to have an outlet outside of organized sports. He indicated he had met with the Parks and Recreation Director regarding an old skatepark proposal for Centennial Park and he desired to see that project move forward. Mr. Scherman stated he understood funding was an issue, but if the project was not moved forward, it might never happen. He mentioned several parking lots and other locations that were used currently for skateboarding. He also stated West Valley City was the second largest city in Utah, but was the only city without a skatepark. He discussed how he saw this as a necessity for the youth, especially those considered at-risk. He expressed appreciation to the City Council and stated he desired them to keep hearing this message.

Ellen Wilkinson, 4086 South 2610 West, addressed the City Council. Ms. Wilkinson stated she desired sound barriers on 4100 South and she had made that request to UDOT (Utah Department of Transportation), Salt Lake County, and the Governor, with no success. She indicated she had been told to take her request to West Valley City. She also discussed the horrible noise from the adjacent freeway and inquired regarding funding for such a sound barrier. Ms. Wilkinson invited the Council to come to her home and listen to the noise from the freeway and sometimes from 4100 South. She expressed appreciation to the City Council for listening and for their time.

14077

### **PUBLIC HEARING, REOPEN FY 2007-2008 BUDGET FOR THE PURPOSE OF CHANGES EXPERIENCED IN REVENUES AND EXPENDITURES**

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding reopening the FY 2007-2008 Budget for the purpose of changes experienced in revenues and expenditures. He discussed proposed Ordinance No. 08-27 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-27 which would amend the Budget of West Valley City for fiscal year beginning July 1,

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2007, and ending June 30, 2008, to reflect changes in the Budget from increased revenues and authorize disbursement of funds.

Mr. Pyle stated State Statute Title 10, Chapter 6, Utah Code Annotated 1953, as amended, allowed the City to amend its budget during the year, and West Valley City held two such public hearings on budget amendments annually: one mid-fiscal year and the second just prior to the end of the fiscal year.

The City Manager reported a public notice had been posted May 8, 2008, in the Salt Lake Tribune and the Deseret Morning News giving notice of a hearing to be held June 3, 2008, at 6:30 P.M.

Mayor Nordfelt opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

### **ACTION: ORDINANCE NO. 08-27, AMEND THE BUDGET OF WEST VALLEY CITY FOR FISCAL YEAR BEGINNING JULY 1, 2007, AND ENDING JUNE 30, 2008, TO REFLECT CHANGES IN THE BUDGET FROM INCREASED REVENUES AND AUTHORIZE DISBURSEMENT OF FUNDS**

The City Council previously held a public hearing regarding reopening the FY 2007-2008 Budget, and proposed Ordinance No. 08-27 which would amend the budget of West Valley City for the fiscal year beginning July 1, 2007, and ending June 30, 2008, to reflect changes in the Budget from increased revenues and authorize disbursement of funds.

After discussion, Councilmember Coleman moved to approve Ordinance No. 08-27, an Ordinance Amending the Budget of West Valley City for the Fiscal Year beginning July 1, 2007, and ending June 30, 2008, to Reflect Changes in the Budget from Increased Revenues and Authorize the Disbursement of Funds. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

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Unanimous.

14078

### **RESOLUTION NO. 08-147, APPROVE INTERLOCAL COOPERATION AGREEMENT WITH SALT LAKE COUNTY FOR THE UPGRADE OF A TRAFFIC SIGNAL AND OTHER IMPROVEMENTS AT 3650 SOUTH 2700 WEST**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-147 which would approve an Interlocal Cooperation Agreement with Salt Lake County for the upgrade of a traffic signal and other improvements at 3650 South 2700 West.

Mr. Pyle stated the proposed upgraded included the traffic signal underground conduit and installation of new pedestrian signal heads at the above location. He also stated Salt Lake County currently constructed new signals and signal upgrades on signals located in the City.

The City Manager reported that at the time the traffic signal was installed, steel underground conduit had been used, which had rusted to the point it was impossible to repair existing wiring or pull new wire through it. He stated it had become necessary to install new PVC conduit in order to upgrade vehicle detection and pull wire for new pedestrian signal heads on the south side of the aforementioned intersection.

After discussion, Councilmember Rushton moved to approve Resolution No. 08-147, a Resolution Approving an Interlocal Cooperation Agreement between West Valley City and the Salt Lake County for the Upgrade of Traffic Signal and Other Improvements at 3650 South and 2700 West. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

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### **CONSENT AGENDA:**

**A. RESOLUTION NO. 08-148, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM TRU XUAN HO AND HANH THI BUI FOR PROPERTY LOCATED AT 3615 WEST SPRING VISTA DRIVE, 3600 WEST RECONSTRUCTION PHASE 2 PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-148 which would accept a Grant of Temporary Construction Easement from Tru Xuan Ho and Hanh Thi Bui for property located at 3615 West Spring Vista Drive regarding the 3600 West Reconstruction Phase 2 Project.

Mr. Pyle stated Tru Xuan Ho and Hanh Thi Bui had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of 3600 West from 3500 South to 4100 South. He indicated the Grantors had previously signed a Grant of Temporary Construction Easement which terminated December 31, 2007, for which they had been compensated \$200.00. He stated as the project was delayed until the 2008 construction season, a new easement had been required and would automatically expire December 31, 2008.

**B. RESOLUTION NO. 08-149, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM CHAU H. PHUNG FOR PROPERTY LOCATED AT 3613 WEST 3900 SOUTH, 3600 WEST RECONSTRUCTION PHASE 2 PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-149 which would accept a Grant of Temporary Construction Easement from Chau H. Phung for property located at 3613 West 3900 South regarding the 3600 West Reconstruction Phase 2 Project.

Mr. Pyle stated Chau H. Phung had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of 3600 West from 3500 South to 4100 South. He also reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2008.

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**C. RESOLUTION NO. 08-150, ACCEPT GRANTS OF TEMPORARY CONSTRUCTION EASEMENT FROM LUCY P. LEWIS, AS TRUSTEE OF THE 1994 LUCY P. LEWIS TRUST, AND LUCY P. LEWIS, FOR PROPERTY LOCATED AT 3884 SOUTH 3600 WEST, 3600 WEST RECONSTRUCTION PHASE 2 PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-150 which would accept Grants of Temporary Construction Easement from Lucy P. Lewis, as Trustee of the 1994 Lucy P. Lewis Trust, and Lucy P. Lewis, for property located at 3884 South 3600 West regarding the 3600 West Reconstruction Phase 2 Project.

Mr. Pyle stated Lucy P. Lewis, as Trustee of the 1994 Lucy P. Lewis Trust, and Lucy P. Lewis, had signed Grants of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of 3600 West from 3500 South to 4100 South. He also reported compensation for the easements would be in the amount of \$200.00, which easements would automatically expire December 31, 2008.

**D. RESOLUTION NO. 08-151, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM CHRISTOPHER TRENT MORA AND MARLENE YVETTE MORA FOR PROPERTY LOCATED AT 3585 WEST BARNFIELD WAY, 3600 WEST RECONSTRUCTION PHASE 2 PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-151 which would accept a Grant of Temporary Construction Easement from Christopher Trent Mora and Marlene Yvette Mora for property located at 3585 West Barnfield Way regarding the 3600 West Reconstruction Phase 2 Project.

Mr. Pyle stated Christopher Trent Mora and Marlene Yvette Mora had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of 3600 West from 3500 South to 4100 South. He indicated the Grantors had previously signed a Grant of Temporary Construction Easement which terminated December 31, 2007, for which they had been compensated \$200.00. He stated as the project was delayed

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until the 2008 construction season, a new easement had been required and would automatically expire December 31, 2008.

**E. RESOLUTION NO. 08-152, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM WILLIAM P. LETCHER FOR PROPERTY LOCATED AT 3529 SOUTH 2200 WEST, 2200 WEST SIDEWALK PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-152 which would accept a Grant of Temporary Construction Easement from William P. Letcher for property located at 3529 South 2200 West regarding the 2200 West Sidewalk Project.

Mr. Pyle stated William P. Letcher had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected and benefited by construction of the 2200 West Sidewalk Project. He also reported the owner had agreed to provide the easement to allow the City's contractor to enter onto a portion of his property to perform a tie-in to the property. He stated improvements in front of the property would include construction of a five-foot park strip, a four-foot wide sidewalk, and restoration of landscaping. He indicated construction of these improvements would be within the existing 2200 West right-of-way. He stated the easement would automatically expire December 31, 2008.

**F. RESOLUTION NO. 08-153, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM DORIS R. WADE FOR PROPERTY LOCATED AT 3533 SOUTH 2200 WEST, 2200 WEST SIDEWALK PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-153 which would accept a Grant of Temporary Construction Easement from Doris R. Wade for property located at 3533 South 2200 West regarding the 2200 West Sidewalk Project.

Mr. Pyle stated Doris R. Wade had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected and benefited by construction of the 2200 West Sidewalk Project. He also reported the owner had agreed to provide the easement to allow the City's contractor to enter onto a portion of his property to perform a

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tie-in to the property. He stated improvements in front of the property would include construction of a five-foot park strip, a four-foot wide sidewalk, and restoration of landscaping. He indicated construction of these improvements would be within the existing 2200 West right-of-way. He stated the easement would automatically expire December 31, 2008.

**G. RESOLUTION NO. 08-154, ACCEPT SPECIAL WARRANTY DEED FROM HARMON CITY ASSOCIATES, L.C., FOR PROPERTY LOCATED AT 3540 SOUTH 4000 WEST**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-154 which would accept a Special Warranty Deed from Harmon City Associates, L.C., for property located at 3540 South 4000 West.

Mr. Pyle stated the Special Warranty Deed had been signed by Harmon City Associates, L.C.

The City Manager reported Harmon City Associates, L.C. had proposed a parking lot expansion on an undeveloped parcel south of the existing Harmon Office Building site. He indicated as a condition of approval, dedication of a portion of 4000 West had been required. He advised this portion of 4000 West had never been formally dedicated or deeded as public right-of-way. The Major Street Plan called for an 80-foot total right-of-way. Dedication of the 40-foot half-width across the frontage of the parking lot site on the west side of 4000 West was being deeded to comply with the Major Street Plan.

**H. RESOLUTION NO. 08-155, APPROVE RIGHT-OF-WAY AND GRANT OF TEMPORARY EASEMENT AGREEMENT WITH SALLY M. MCLACHLAN FOR PROPERTY IDENTIFIED AS PARCEL NUMBERS 21-04-303-012, 21-04-303-013, AND 21-04-303-032, LOCATED AT 4501 SOUTH 3200 WEST, AND ACCEPT WARRANTY DEEDS AND TEMPORARY CONSTRUCTION EASEMENTS, 3200 WEST SIDEWALK PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-155 which would approve a Right-of-Way and Grant of Temporary Easement Agreement with Sally M. McLachlan for property identified as Parcel Numbers 21-04-303-012, 21-04-303-013, and 21-04-303-032, located at 4501 South 3200 West; and accept a Warranty Deed and Temporary Construction Easement, regarding the 3200 West Sidewalk Project.

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Mr. Pyle stated Sally M. McLachlan had signed the Right-of-Way Agreement, Warranty Deeds, and Grant of Temporary Construction Easements for three parcels.

The City Manager reported as a result of the 3200 West Sidewalk Project the City was acquiring right-of-way, temporary construction easements, and compensating owners for loss and relocation and/or replacement of improvements on their properties. He stated total compensation for three parcels specified above would be in the amount of \$53,907.00, which amount had been negotiated based on an appraisal prepared by Free and Associates, and included compensation paid to the owner for the relocation and/or replacement of improvements.

**I. RESOLUTION NO. 08-156, APPROVE RIGHT-OF-WAY AGREEMENT WITH WINIFRED M. MCLACHLAN AND NAOMA JEANNE TATE, AS CO-TRUSTEES OF THE JAMES AND WINIFRED MCLACHLAN FAMILY TRUST FOR PROPERTY IDENTIFIED AS PARCEL NUMBERS 21-04-303-002 AND 21-04-303-029 LOCATED AT 4499 SOUTH 3200 WEST; AND ACCEPT WARRANTY DEED AND TEMPORARY CONSTRUCTION EASEMENTS, 3200 WEST SIDEWALK PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-156 which would approve a Right-of-Way Agreement with Winifred M. McLachlan and Naoma Jeanne Tate, as Co-Trustees of the James and Winifred McLachlan Family Trust for property identified as Parcel Numbers 21-04-303-002 and 21-04-303-029 located at 4499 South 3200 West; and accept a Warranty Deed and Temporary Construction Easements regarding the 3200 West Sidewalk Project.

Mr. Pyle stated the parties had signed the Right-of-Way and Grant of Temporary Easement Agreement, Warranty Deed, and Grant of Temporary Construction Easements for two parcels.

City Manager, Wayne Pyle, reported the subject two parcels had been affected by construction of the 3200 West Sidewalk Project. He also reported as a result of that project, the City was acquiring right-of-way, temporary construction easements, and compensating owners for loss and relocation and/or replacement of improvements on their properties. He stated total compensation for the agreement, Warranty Deed and Grant of Temporary Construction Easements would be in the amount of

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\$14,308.00, which amount had been negotiated based on an appraisal prepared by Free and Associates, and included compensation paid to the owner for the relocation and/or replacement of improvements.

**J. RESOLUTION NO. 08-157, APPROVE RIGHT-OF-WAY AGREEMENT WITH WESTON AND PATTY MCLACHLAN FOR PROPERTY IDENTIFIED AS PARCEL NUMBER 21-04-303-030 LOCATED AT 4499 SOUTH 3200 WEST; AND ACCEPT A WARRANTY DEED AND TEMPORARY CONSTRUCTION EASEMENT, 3200 WEST SIDEWALK PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-157 which would approve a Right-of-Way Agreement with Weston and Patty McLachlan for property identified as Parcel Number 21-04-303-030 located at 4499 South 3200 West; and accept a Warranty Deed and Temporary Construction Easement regarding the 3200 West Sidewalk Project.

Mr. Pyle stated the owners had signed the Right-of-Way Agreement, Warranty Deed, and Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one affected by construction of the 3200 West Sidewalk Project. He indicated as a result of that project, the City was acquiring right-of-way and temporary construction easements, and compensating owners for loss and relocation and/or replacement of improvements on their properties. He reported total compensation for the agreement, Warranty Deed and Grant of Temporary Construction Easement would be in the amount of \$19,187.00, which amount was negotiated based on an appraisal prepared by Free and Associates and included compensation paid to the owner for the relocation and/or replacement of improvements.

After discussion, Councilmember Brooks moved to approve Resolution Nos. 08-148, 08-149, 08-150, 08-151, 08-152, 08-153, 08-154, 08-155, 08-156, and 08-157 as presented on the Consent Agenda. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes

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## **MINUTES OF COUNCIL REGULAR MEETING – JUNE 3, 2008**

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Ms. Burt	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, JUNE 3, 2008, WAS ADJOURNED AT 7:21 P.M., BY MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, June 3, 2008.

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Sheri McKendrick, MMC  
City Recorder

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